



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 18 2001

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
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U.S. APPLICATION NO.

09/806413

FIRST NAMED APPLICANT

YAMAMOTO

ATTY. DOCKET NO.

Q63731

INTERNATIONAL APPLICATION NO.

PCT/JP99/05346

MARK BOLAND
SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037 3213

DOCKETED

I.A. FILING DATE

29 SEP 99

PRIORITY DATE

30 SEP 98

JUN 15 2001

DATE MAILED: 18 JUN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☒ Copy of the international application. ☒ Translation of the international application into English.
☒ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☒ Other:
☒ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920. SEE ATTACHED SEQUENCE LISTING ERROR REPORT.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
 7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.Enclosed: ☐ PCT/DO/EO/917☐ Notice of Defective Translation☐ PTO-875☒ PCT/DO/EO/920

Karen Williams



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of

Shigeru YAMATO et al.

Appln. No.: 09/806,413

Group Art Unit: Not Yet Assigned

Filed: March 30, 2001

Examiner: Not Yet Assigned

Confirmation number: Not Yet Assigned

For: NOVEL ENZYME COMPOSITION AND PRODUCTION METHOD AND USE
THEREOF**RESPONSE TO THE NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This response is in regard to the Notification to Comply issued in the above referenced patent application. As the Notice to Comply was mailed June 13, 2001, and set a two month period for response, this response is timely filed as it is being filed on or before August 13, 2001.

In the Notification to Comply, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 because the computer readable form that has been filed with the application has been found to be damaged and/or unreadable.

The Examiner further states that Applicants must provide a substitute CFR copy of the Sequence Listing.

RESPONSE TO NOTIFICATION TO COMPLY

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In response, Applicants include herewith a paper copy and a CRF copy of the Sequencing Listing, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, and a copy of the Notification to Comply.

Applicants assert that the response to the Notification to Comply and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Accordingly, Applicants respectfully request that the Examiner acknowledge that the

- Sequence Listing in the present application meets the requirements of 37 C.F.R. §§1.821-1.825.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: July 18, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of

Shigeru YAMATO et al.

Appln. No.: 09/806,413

Group Art Unit: Not Yet Assigned

Filed: March 30, 2001

Examiner: Not Yet Assigned

Confirmation number: Not Yet Assigned

For: NOVEL ENZYME COMPOSITION AND PRODUCTION METHOD AND USE
THEREOF

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825**

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with the Sequence Listing submitted concurrently herewith, the
undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not
include any new matter;
 2. the content of the 13-page paper copy and the attached computer readable copy of
the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively,
are the same; and
 3. all statements made herein of my own knowledge are true and that all statements
made on information and belief are believed to be true, and further, that these statements were
made with the knowledge that willful false statements and the like so made are punishable by
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**STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825**

Q63731

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
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Washington, D.C. 20037-3213
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